



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

December 7, 2020

SUBPOENA TO TESTIFY

To: Mike Aaron
Inventory Control Specialist
Fitzgerald Glider Kits LLC
Fitzgerald USA, LLC
752 Interstate Lane
Crossville, TN 38571

Attention: Gary H. Baise
OFW LAW
Olsson Frank Weeda Terman Matz PC
2000 Pennsylvania Avenue, NW
Suite 3000
Washington, D.C. 20006

Sent by email only to gbaise@ofwlaw.com

You are commanded, pursuant to sections 208(a) and 307(a) of the Clean Air Act, 42 U.S.C. §§ 7542(a) and 7607(a):

- to appear for a remote deposition on Wednesday, January 6, 2021, at 9:00 am;
- to testify then and there under oath;
- to provide truthful and complete responses to all lawful questions posed by the United States Environmental Protection Agency (EPA) representatives; and
- to remain in attendance until expressly excused by an EPA representative.

In response to any contumacy or refusal to obey this subpoena, the EPA, or the United States Department of Justice on behalf of the EPA, may seek an order from a United States District Court requiring you to comply with this subpoena, and any failure to obey such an order may be punished by the issuing court as contempt thereof. 42 U.S.C. § 7607(a).

You or your representative may assert a business confidentiality claim for some or all of the information you provide if public disclosure of that information would divulge methods or processes entitled to protection as trade secrets. 42 U.S.C. §§ 7542(a), 7607(a). Business confidentiality refers to "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to

preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

The EPA will disclose information covered by a claim of business confidentiality only to the extent and by the means set forth in sections 208(a) and 307(a) of the Clean Air Act, 42 U.S.C. §§ 7542(a) and 7607(a), and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your testimony as a waiver of that claim, and the information may be made available to the public without further notice to you.

Your participation in this deposition does not satisfy Fitzgerald’s obligation to respond to EPA’s October 30, 2019 Information Request under Section 208(a) of the CAA, 42 U.S.C. § 7542(a).

Please contact Caitlin Meisenbach, the EPA attorney assigned to this deposition, or have your counsel contact her with any questions and to confirm your attendance. For each party that needs to connect to the virtual deposition, please provide:

Participant name:
Affiliation (company, firm, etc.):
Email address:
City and state of remote appearance:

Upon receipt of this information, EPA will provide instructions for your virtual attendance at this deposition.

Ms. Meisenbach can be reached at (202) 565-0062 or meisenbach.caitlin@epa.gov.

12/7/2020
Date

Thomas P. Carroll, Acting Director
Air Enforcement Division
Office of Civil Enforcement

CERTIFICATE OF MAILING

I, Caitlin Meisenbach, certify that I sent a Subpoena pursuant to the Clean Air Act by email, to:

Mike Aaron
c/o Gary H. Baise
OFW LAW
Olsson Frank Weeda Terman Matz PC
2000 Pennsylvania Avenue, NW
Suite 3000
Washington, D.C. 20006

Sent by email only to gbaise@ofwlaw.com

12/7/2020

Date

Caitlin Meisenbach
Attorney Advisor
Air Enforcement Division
Office of Civil Enforcement
(202) 565-0062
meisenbach.caitlin@epa.gov